

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:03 CV388-K**

DAVID SCOTT CASE,

Plaintiff,

vs.

**M.C. STEWART and
GASTON COUNTY,**

Defendants.

**CONSENT ORDER FOR
SUBSTITUTION OF PARTY
PLAINTIFF AND TO EXTEND
DISCOVERY DEADLINES**

THIS CAUSE COMING on for hearing by Motion by counsel for Plaintiff to Amend the Complaint to add James David Case as Personal Representative of the Estate of David Scott as a party Plaintiff; and it appearing to the Court that James David Case deceased on April 3, 2005, and James David Case has been appointed as personal representative for the estate of David Scott Case; and it appearing to the Court that the proper procedure would be for Substitution of Plaintiff, pursuant to Rule 25(a) of the Federal Rules of Civil Procedure, rather than adding a party; and that Defendants, through counsel consent thereto;

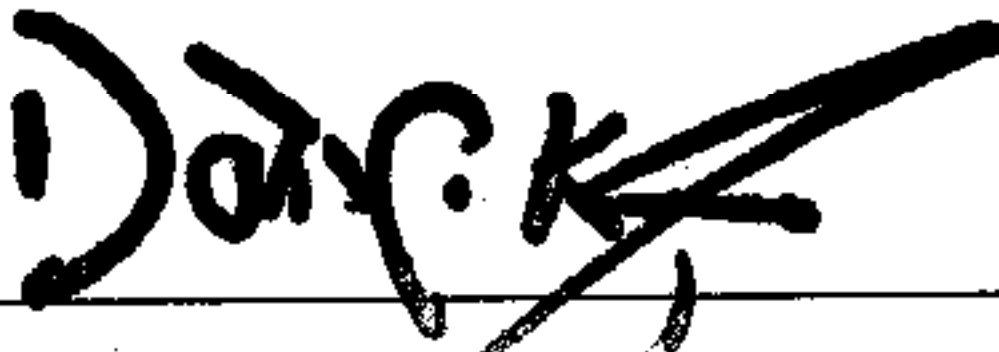
AND IT FURTHER APPEARING TO THE COURT that the action has not proceeded since the date of death until this Order, due to Plaintiff's death, it would be appropriate and is consented to be the parties, that all deadlines established in the Pre-trial Order are hereby extended for five (5) months.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Plaintiff, now deceased, be substituted with James David Case as Personal Representative of the Estate of David Scott as a party Plaintiff; and the caption of the case shall so reflect; and it is further

ordered that all deadlines as to discovery and motions, and trial are hereby extended for five (5) months.


Plaintiff's Motion to Amend and Defendants' Motion to Dismiss are rendered moot by this Order.

This 5th day of October, 2005.

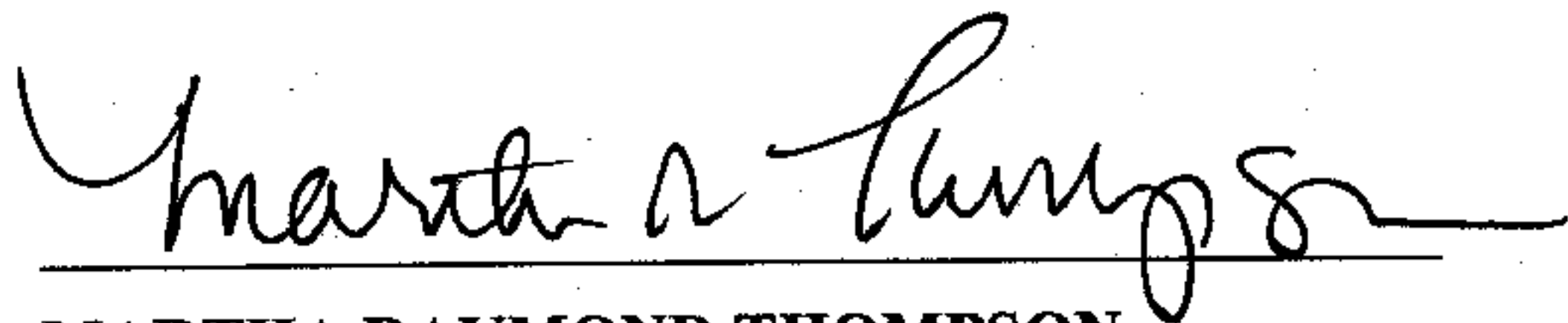


DAVID C. KEESLER
United States District Court Judge

CONSENTED TO BY:



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